

**Minutes of the  
Waterfront Advisory Committee  
April 30, 2015**

Present: Charlie Kane, Chairman  
Stuart Greenbaum  
Bruce Kauderer

Absent: Ann Gallelli  
Andy Levitt

Also Present: Daniel O'Connor, Village Engineer

**1. Charlie Kane called the meeting to order at 7:00 p.m.**

**2. REFERRALS**

*a) 370 South Riverside Avenue—Referral from Village board regarding Special Permit application for mixed-use building--final consistency review.*

The Village Engineer noted that the applicant obtained their variances from the ZBA. There is very little disturbance that will occur with the construction of the mixed-use building. There were no comments or changes made to the CAF or the EAF since nothing has changed since the preliminary consistency review.

Mr. Kauderer made a motion to issue a final recommendation of consistency since there are no changes to the application, seconded by Mr. Greenbaum, and carried, all in favor, by a vote of 3-0.

*b) 53 Old Post Road North—Referral from Planning Board (pending) on application for two-lot subdivision for the purpose of dividing the property into two legal lots, with each of the existing dwellings on its own lot—preliminary consistency review.*

The Village Engineer explained that this lot has a house in the front that had been built in the 1800's and a second dwelling in the back (allowable in the 1930's zoning). The purpose of this application is to subdivide the property into two legal lots, with each of the existing residences on its own lot. Because the proposed rear lot does not have direct access on any public street, the applicant went to the ZBA to request a 20' frontage variance, which was granted. The Zoning Board had two conditions: 1) that the Planning Board, prior to approving the subdivision, be satisfied with easements for access to the property and utilities, and 2) that there shall be no construction related to this provision of access, and access to any lot created by any subdivision shall only be through existing means and structures.

Mr. Kauderer noted that nothing is changing since there is a house already existing on each lot. The Planning Board in its review had not seen any problems.

The committee members reviewed the CAF and the EAF and had no comments or changes to either the CAF or the EAF.

The committee reviewed the 44 LWRP policies and determined that the following policies were relevant:

*Policy 17: Whenever possible, use non-structural measures to minimize damage to natural resources and property from flooding and erosion. Such measures shall include: i) the setback of buildings and structures; (ii) the planting of vegetation and the installation of sand fencing and draining; (iii) the reshaping of bluffs; and (iv) the flood-proofing of buildings or their elevation above the base flood level.*

This policy is applicable because the proposed subdivision concerns existing structures. The proposed application for a two-lot subdivision concerns the division of the property into two legal lots, with each of the existing dwellings on its own lot. The rear lot includes a watercourse and a 120-foot buffer zone. The measures in the policy above should be considered if any new construction is proposed.

*Policy 33: Best Management Practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.*

This policy is applicable because the existing structure in rear lot 2 has easements for sewer and water service that connects to the public water supply and public sanitary sewerage facilities. The proposed subdivision is consistent with this policy because there is an easement note on the subdivision map that allows the continued sewer and water service as it now exists to be granted upon the filing of the plat. There is also a note on the map which states that in the event either or both service pipes need to be replaced and relocated, the relocation will be generally limited to the southeast half of Lot 1 and will be located as close as practical to the northwesterly boundaries of lands.

*Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.*

*Policy 44A: Wetlands, Water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.*

These policies are applicable to the proposed subdivision because the existing properties are in the wetlands (watercourse) buffer zone and all wetlands are presumed to be important and to be preserved. In order to be consistent with these policies, the committee members recommended that a note about the wetlands (watercourse) buffer zone be placed on the subdivision plan so that should there be any future construction, there is an understanding that a wetlands permit may be required for work in the buffer zone.

The watercourse shown in the rear of the property is protected with a 120-foot buffer zone under the village's wetland law. This buffer zone should be shown and labeled on the map. In order to further protect the wetlands buffer areas as to be noted on the subdivision map, the committed members indicated that there be a notification statement into the deed for lot 2.

Mr. Greenbaum made a motion to issue a preliminary recommendation of consistency, seconded by Mr. Kauderer, and carried, all in favor, by a vote of 3-0.

### **3. APPROVAL OF MINUTES**

Mr. Kauderer made a motion to approve the minutes of March 31, 2015, seconded by Mr. Kane and carried all in favor by a vote of 3-0.

### **4. ADJOURNMENT**

Mr. Greenbaum made a motion to adjourn the meeting, seconded by Mr. Kauderer and carried by a vote of 3-0. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Ronnie L. Rose  
Secretary to the WAC